

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

~~PROPOSED~~ FINAL JUDGMENT

WHEREAS, Plaintiff/Counterclaim Defendant CareDx, Inc. (“CareDx”) brought this Lanham Act and state-law action against Defendant/Counterclaim Plaintiff Natera, Inc. (“Natera”) alleging that Natera engaged in false advertising and unfair competition (D.I. 45);

WHEREAS Natera brought counterclaims against CareDx alleging that CareDx engaged in false advertising and unfair competition and seeking declaratory judgments as to CareDx's claims (D.I. 159);

WHEREAS Natera did not pursue its counterclaim for tortious interference with prospective economic advantage at trial;

WHEREAS the Court held a jury trial from March 8-14, 2022, and the jury returned a verdict on March 14, 2022 (D.I. 329);

WHEREAS, on July 17, 2023, the Court denied CareDx's Motion for Judgment as a Matter of Law as to one of Natera's advertising claims (D.I. 373);

WHEREAS, on July 17, 2023, the Court granted Natera's Motion for Judgment as a Matter of Law as to CareDx's Lanham Act claim insofar as it sought damages and as to CareDx's common law unfair competition claim in its entirety, and granted a conditional new trial on CareDx's damages and unfair competition claims (D.I. 374, 375);

WHEREAS, in light of the jury's March 14, 2022 verdict and for the reasons stated in the Court's Memorandum Order and Memorandum Opinion of July 17, 2023 (D.I. 373, 374);

IT IS HEREBY ORDERED AND ADJUDGED this 7th day of August, 2023, that:

A. Final judgment is entered in favor of CareDx and against Natera on CareDx's Lanham Act, 15 U.S.C. § 1125(a) (Count I of the Amended Complaint (D.I. 45)), and Delaware Uniform Deceptive Trade Practices Act, 6 Del. C. §§ 2532 (Count III of the Amended Complaint) claims.

B. Final judgment is entered in favor of CareDx and against Natera on Natera's counterclaims for declaratory judgments of (a) no Lanham Act false advertising and (b) no violation of the Delaware Uniform Deceptive Trade Practices Act (Counts I and III of Natera's Amended Counterclaims (D.I. 159)); common law unfair competition (Count VI of Natera's Amended Counterclaims); and violation

of the Delaware Uniform Deceptive Trade Practices Act, 6 Del. C. §§ 2532 (Count VII of Natera's Amended Counterclaims).

C. Final judgment is entered in favor of Natera and against CareDx on CareDx's claim for damages for all claims.

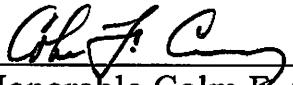
D. Final judgment is entered in favor of Natera and against CareDx on CareDx's common law unfair competition claim (Count II of the Amended Complaint).

E. Final judgment is entered in favor of Natera and against CareDx on Natera's counterclaim for declaratory judgment of no common law unfair competition (Count II of Natera's Amended Counterclaims).

F. Final judgment is entered in favor of Natera and against CareDx on Natera's Lanham Act, 15 U.S.C. § 1125(a), claim (Count IV of Natera's Amended Counterclaims).

G. In the event that the Judgments set forth in any of Paragraphs C, D or E are vacated or reversed on appeal, a new trial is granted on those issues, insofar as an appeals court has not foreclosed a new trial.

H. Natera's counterclaim for tortious interference with prospective economic advantage (Count V of Natera's Amended Counterclaims) is dismissed with prejudice.


The Honorable Colm F. Connolly
Chief United States District Judge
